

## February 5, 2009 - Slaughter and McHugh Ask President Obama to Restart Shared Border Negotiations

FOR IMMEDIATE RELEASE

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U.S. Reps. Slaughter and McHugh Ask President Obama To Restart Shared Border Management Negotiations

Washington, DC - Congresswoman Louise M. Slaughter (D-Fairport), Chair of the House Committee on Rules, and Congressman John M. McHugh (R-Pierrepont Manor), Co-Chair of the Northern Border Caucus, sent the following letter to President Barack Obama as he prepares to travel to Canada later this month, requesting that the United States restart Shared Border Management negotiations with Canada.

Among many important northern border issues facing this new Administration, Shared Border Management has a localized and immediate effect on Reps. Slaughter and McHugh's districts. Both districts include border crossings that bring in billions of dollars in trade each year, and local residents rely on easy travel across the border. This letter signals an initial exchange in an effort to foster an open and productive dialogue with this Administration on northern border issues and their impact on northern border communities.

President  
Barack Obama

The  
White House

1600 Pennsylvania Avenue, NW

Washington, DC  
20500

Dear  
President Obama:

As you prepare for your February 19, 2009 trip to Canada, we would like to make you aware of a pressing US-Canada border issue that has an immediate and direct effect on our districts. In 2005, the US and Canadian governments agreed in principle to what is called Shared Border Management, which would enhance security and trade facilitation while minimizing adverse effects on border communities. In 2007, after months of negotiations, Secretary of Homeland Security Michael Chertoff announced that he was unilaterally withdrawing from these negotiations. We believe, however, that this initiative remains the best solution for joint security on the Northern Border and respectfully urge you and Secretary Napolitano to reengage the Canadian government in negotiations on this important issue.

Canada and the United States have the largest bilateral trade relationship in the world. Key pillars in this relationship are the Peace Bridge in Buffalo, NY - which serves as the second busiest passenger vehicle crossing and third busiest commercial crossing on our shared border - and the Thousand Island Bridge in Alexandria Bay, NY. The Peace Bridge carries \$20 billion of trade annually between the United States and Canada. Yet congestion related to infrastructure constraints and customs processes has been a serious problem since the mid 1990s, and has worsened since September 11, 2001. The economic ramifications of congestion and new customs rules cannot be overstated; the Ontario Chamber of Commerce estimates that border delays are costing the US and Canadian economies over CDN \$13.6 billion annually.

In December 2001, in order to address the emerging security and traffic issues arising from 9/11, Canada and the United States agreed to the Smart Border Declaration. The Declaration's aim is to enhance the security of the US-Canada border, while facilitating the flow of low-risk people and goods. Under that Declaration, the two governments agreed on December 17, 2004 to issue a framework to put land pre-clearance in place at the Peace Bridge. The pre-clearance pilot, called Shared Border Management (SBM), would involve the relocation of all United States primary and secondary border operations for both commercial and passenger traffic from Buffalo, NY to Fort Erie, Canada. A reciprocal relationship would take place in Alexandria Bay, the 10th busiest crossing along our Northern Border.

At the time that Secretary Chertoff cut off talks on SBM, we were told that the two countries' negotiations came down to one issue: biometrics. DHS wanted the right to collect biometric fingerprints on travelers who decide, at the last minute, not to enter into the United States. Canada believed that this would be deemed unconstitutional under their Charter. Despite our urgings, along with those of then-Senator Hillary R. Clinton and many of our colleagues in the Northern Border Caucus, to reengage in discussions, the talks remain dead.

In order to better understand the issues that caused DHS to abandon SBM, we requested that the Government Accountability Office (GAO) conduct an investigation to determine 1) what negotiations were conducted by the DHS regarding the shared border management pilot project, and 2) what issues led to the termination of shared border management negotiations. The subsequent report, released on September 8, 2008, identified five issues that arose during negotiations: arrest authority, the right of withdrawal, finger printing, information sharing between and within both governments' law enforcement, and specific issues in the Canadian Charter. The report is enclosed for your review.

We believe these issues are surmountable and, along with then-Senator Clinton, continued to push for reengaging in SBM negotiations throughout the 110th Congress. In fact, in meetings on the Peace Bridge expansion project over the past year, several federal officials from the Federal Highway Administration and Customs and Border Protection conceded that implementing SBM would eliminate significant risk factors for the Peace Bridge Expansion Project as well as facilitating border security.

This issue is critical to protecting our shared national security interests, while facilitating trade and commerce across the border and limiting adverse effects on local communities. We respectfully ask that you reengage with the Canadian Government on these SBM negotiations

and are willing to discuss this issue in more depth at your convenience.

Sincerely,

Slaughter  
McHugh

Louise M.  
John M.

Member of Congress

Member of Congress

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